REMARKS/ARGUMENTS

These remarks are submitted in response to the Office Action of December 14, 2006 (Office Action). As the response is timely filed within the three-month statutory period, no fee is believed due. Nonetheless, the Examiner is expressly authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 50-0951

Claims 1-2, 4-6, 9-10, 12-14, 17-19, 22-23, 25, and 27-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,208,726 to Bansal, *et al.* (hereinafter Bansal). Claims 7-8, 15-16, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bansal, in view of U.S. Patent No. 6,839,420 to Koponen (hereinafter Koponen), and in further view of U.S. Published Patent Application No. 2003/0023523 to McKibben, *et al.* (hereinafter McKibben).

Applicants initially wish to thank the Examiner for his reconsideration and withdrawal of the finality of the previous Office Action. Applicants have amended independent Claims 1, 9, 17, and 22 to further emphasize certain aspects of the invention. Applicants also have amended dependent Claims 2, 4, 10, 12-14, 16, 23, 27, and 28 to emphasize certain additional aspects of the invention and to maintain consistency among the claims. Claims 7 and 15 have been cancelled herein. As discussed in the following section, the claim amendments are fully supported throughout the Specification. No new matter has been introduced through the amendments.

Aspects Of The Invention

At this juncture, it may be useful to reiterate certain aspects of Applicants' invention. One embodiment of the invention, exemplified by amended Claim 1, is a method for provisioning a telephone service feature. The method can include receiving a call request to establish a telephone connection between a calling party and a called party.

According to the method, if the call request identifies a telephone service, it can be determined whether one of a plurality of telephone service features identified in the call

request can be temporarily provisioned to the calling party and/or called party. (See, e.g., Specification, p. 11, lines 12-15.) Alternatively, if the call request does not identify a telephone service feature, or if a determination is made that an identified telephone service feature can not be temporarily provisioned, a list of other telephone service features that can be temporarily provisioned to either the calling party or the called party can be presented. (See, e.g., Specification, p. 11, lines 15-19; see also p. 14, lines 18-19, and p. 15, lines 18-20.) Moreover, if a telephone feature is identified and can be temporarily provisioned, then according to the method, telephony system resources can be temporarily allocated to support the identified telephone service feature for the duration of a call over an established telephone connection. (See, e.g., Specification, p. 12, lines 14-20; see also lines, 4-7.)

The method further can include temporarily activating the identified and temporarily provisioned telephone service feature for the call, and deactivating the activated telephone service feature upon completion of the call. Additionally, the method can include reallocating the telephony system resources at the completion of the call.

The Claims Define Over The Cited References

As already noted, independent Claims 1, 9, 17, and 22, were each rejected as being anticipated by Bansal. Bansal is directed to "an emergency breakthrough system" that allows a caller who encounters a busy signal to interrupt a call without operator assistance. (See Col. 1, lines 26-36; see also Abstract, lines 1-5.) With Bansal, the called party must be a subscriber to the automated breakthrough system, and the calling party must provide a passcode in order to interrupt an on-going call between the called party and a third party. (See Col. 2, lines 1-39.)

Applicants respectfully submit, however, that Bansal does not expressly or inherently teach every feature recited in Claims 1, 9, 17, and 22, as amended. For example, Bansal discloses only the provisioning of a single telephone service feature,

namely, a call break-in feature. Bansal does not disclose determining whether one of a plurality of different telephone service features can be temporarily provisioned for the duration of a call.

It thus follows that Bansal does not disclose making this determination based upon a received call request that can contain an identifier identifying a particular telephone service feature, as also recited in amended Claims 1, 9, 17, and 22. More fundamentally, Bansal does not expressly or inherently teach determining whether a telephone service feature identified in the call request can be temporarily provisioned to at least one of the calling party and called party in response to a determination that the call request identifies the particular telephone service feature, as recited in the amended claims.

Because Bansal does not teach making any such determination regarding whether one of a plurality of requested telephone service features can be provisioned, it further follows that Bansal does not teach presenting to the calling party and/or the called party a list of other telephone service features that can be temporarily provisioned if one or both of two distinct conditions are satisfied: first, that the call request does not identify a telephone service feature and/or, second, that a determination is made that an identified telephone service features can not be temporarily provisioned to either party.

At page 3 of the Office Action, it is noted that Bansal does not teach even the presentment of a list of different telephone service features. It is stated, however, that this feature is found in Koponen. Koponen is directed to a method for transferring a "service profile of a digital subscription to a digital terminal device" of a telecommunication network. (Abstract, lines 1-3.)

FIG. 1a and FIG. 1b of Koponen illustrate the presentment of a "service menu" in the context of a "service profile inquiry" received from a subscriber terminal and presentment of a service menu in the context of a "service profile modified by [a] teleoperator," respectively. The context in which the first service menu is utilized is described as follows:

"When the ISDN terminal 3 is connected to the network, the terminal 3 sends to the digital telephone exchange 2 a request to update the service profile. The telephone exchange 2 receives the request and checks the data stored in the telephone exchange 2 about the subscriber to determine which services have been activated for use by the subscriber, as well as any status data relating to them. Since the teleoperator 1 has selected the option that all services existing in the telephone exchange 2, grouped into services activated for use and services available, are to be transmitted to the subscriber in response to the subscriber's service profile request, the telephone exchange 2 determines these data as well from the subscriber data and performs the grouping into services activated for use and services available. The telephone exchange 2 sends the service profile for the subscriber to the terminal equipment 3. Upon receiving the service profile, the terminal equipment 3 configures the service menus 4 in its software so that the subscriber will be able to see in a separate menu the services activated for use . . . together with supplementary data and in another separate menu the services available ." (Col. 2, lines 39-64.)

The context in which the second, modified service menu is utilized is described as follows:

"When the teleoperator changes the subscriber's service profile using MML commands (Man-Machine Language, MML) e.g. by adding the services Call Plaiting CW, Explicit Call Transfer ECT and Three Party Service 3PTY for the subscriber, the digital telephone exchange 2 checks the data stored in the telephone exchange 2 about the subscriber to determine the

services activated for use by that subscriber as well as the status data relating to them. Since the teleoperator 1 has selected the option that all services existing in the telephone exchange 2, grouped into services activated for use and services available, are to be transmitted to the subscriber in response to the subscriber's service profile request, the telephone exchange 2 determines those data as well from the subscriber data and performs the grouping into services activated for use and services available. The telephone exchange 2 sends the service profile for the subscriber to the terminal equipment 3. Upon receiving the service profile, the terminal equipment 3 configures the service menus 4 in its software so that the subscriber will be able to see in a separate menu the services activated for use . . . together with supplementary data and in another separate menu the services available ." (Col. 3, lines 4-30.)

As the quoted language reveals the service menus are generated in response to a service subscriber's service profile request and upon receipt of the modified menu at the subscriber's terminal, respectively. Applicants respectfully submit, however, that neither the generation of a menu in response to a service profile request nor the receipt of a menu modified by a teleoperator teaches or suggests every feature of the claimed invention, even when combined with Bansal.

Nowhere, for example, does Koponen's method teach or suggest determining first whether a received call request identifies one of a plurality of telephone services, and if so, determining whether the service can be temporarily provisioned to a calling party and/or a called party. Koponen's method similarly does not teach or suggest that in the alternative – that is, in the event that no service feature is requested or that a requested service can not be provided – presenting to the calling party and/or the called party a list

of other telephone service features that can be temporarily provisioned to one or both of the parties.

Koponen's menu merely provides a menu; it does not provide any mechanism for determining the specific conditions under which a menu is provided or is not provided. As already noted, Bansal does not provide any menu. Indeed, Bansal has no need to provide any such menu because, more fundamentally, Bansal only focuses on providing a single telephone service feature. Neither reference provides what the other is lacking.
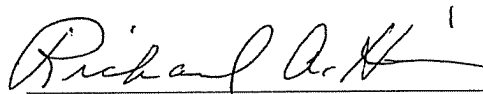
Accordingly, even when combined, the references fail to teach or suggest every feature recited in amended independent Claims 1, 9, 17, and 22. Applicants respectfully submit, therefore, that Claims 1, 9, 17, and 22, as amended, define over the prior art. Applicants further respectfully submit that whereas the remaining claims each depend from one of Claims 1, 9, 17, or 22 while reciting additional features, the dependent claims likewise define over the prior art.

CONCLUSION

Applicants believe that the application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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